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| MEETING | EAST AREA PLANNING SUB-COMMITTEE |
| DATE | 14 DECEMBER 2006 |
| PRESENT | COUNCILLORS MOORE (CHAIR), HYMAN (VICE-CHAIR), D'AGORNE, GREENWOOD, HALL, KING, SMALLWOOD, VASSIE, B WATSON AND I WAUDBY |

41. INSPECTION OF SITES

The following sites were inspected before the meeting:

| Site | Attended by | Reason for Visit |
|--|---|--|
| St Olaves School, North Parade, York | Cllrs D'Agorne, Greenwood, Hall, Hyman, Moore and B. Watson | To consider its proximity to protected trees and its impact upon the Conservation Area. |
| Robert Wilkinson Primary School, Strensall | Cllrs D'Agorne, Greenwood, Hall, Hyman, Moore and B. Watson | To allow Members to see the proximity of the objectors property. To view the undulation of the site together with the trees to be removed and those to be protected. |
| 58 Crossways, Badger Hill, Hull Road, York | Cllrs D'Agorne, Greenwood, Hall, Hyman, Moore and B. Watson | In view of the number of objections received and to allow Members to view the cumulative impact of previous house extensions in relation to the application. |

42. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Cllr Moore declared a personal non-prejudicial interest in Plans Item 4a) (Land adjacent to Concorde Park fronting Amy Johnson Way, York) as a director of Clifton Moor Business Association who had considered the application and in which he had taken no part. Also as a member of the

Executive Member for Resources Advisory Panel which had discussed the application at their March meeting and in which he had again taken no part in discussions.

Cllr B Watson declared a personal non-prejudicial interest in Plans Item 4e) (Hoxne Farm, Sheriff Hutton Road, Strensall) as he had fished at the ponds on this site.

Cllr D'Agorne declared a personal non-prejudicial interest in Plans Item 4f) (147 Heslington Lane, York) as he had received representations from local residents in relation to the application.

43. MINUTES

RESOLVED: That the minutes of the meetings of the Sub-Committee held on 26 October and 9 November 2006 be approved and signed by the Chair as correct records.

44. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

45. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

45a. Land adjacent to Concorde Park fronting Amy Johnson Way, York (06/02102/FULM)

Members considered a Major Full Application, submitted by the Helmsley Group, for the erection of a 2 storey Eco Business Centre including 32 workshops, 40 office units, car and cycle parking, and a wind turbine.

Officers updated that Highway Network Management had now confirmed that issues had been clarified in relation to the Section 38 Agreement and the adoption of the highway. The plans had also been amended to their satisfaction and it was confirmed that the proposed car parking was within the maximum standards.

It was also reported that the Environmental Protection Unit comment in the report, relating to the imposition of conditions, had been incorporated into the Informative on page 20. The Sustainability Officer had now received a more detailed Sustainability Statement and had indicated that the details were good but had requested the inclusion of two additional conditions to any approval. Officers also updated that the proposed site was 2½ miles from the centre of York rather than the 4 miles stated and that it was recommended that additional conditions relating to removal of materials

from the site and hours of work should be added to any approval. Details of the additional conditions were circulated at the meeting.

Members expressed concerns in relation to existing parking problems in the area, access for cars and cycles and cycle parking and questioned the proximity of bus services to the site. Members also confirmed with the applicant that the Management Company would implement the Travel Plan, for the Eco Centre and details of the dry stone walling, solar panels and wind turbine. In answer to a question it was confirmed that details of performance data, in relation to the energy performance of the building, would be publicly available, as the City of York Council would manage the Centre.

Representations in support of the application were received from the applicant who stated that this was an exciting project, which raised a number of challenges in the proposed building. The aim was to provide an economically viable building for both the developers and the occupiers. He pointed out that there were few private sector developers erecting similar buildings as investment properties and it was hoped that, if this was a success, others would follow.

RESOLVED: That the application be approved subject to the conditions listed in the report and the additional under mentioned conditions

1 The hours of demolition loading or unloading associated with the clearance of existing materials on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

2 Details of the following sustainable building methods which are proposed to be included in the development shall be submitted to and approved in writing by the local planning authority prior to the start of construction on site, and shall be implemented as agreed,

- The ground source heat pump.
- The solar thermal system.
- The levels of thermal insulation.
- Summary of the SBEM analysis, providing details of the CO2 savings.
- The rainwater harvesting systems.
- Summary of the water saving installations.

Reason. In accordance with good practice in sustainable development as described in 2005 Draft Local Plan policy GP4a.

3 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan that has been submitted to and approved in writing by the Local Planning Authority.

Reason. To ensure that the development complies with advice contained in PPG13 (Transport), and with policy T20 of the City of York deposit draft

Local Plan; to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to neighbours. As such the proposal complies with Policies GP1, SP8, GP4a, E4, GP5 and T4 of the City of York Deposit Draft Local Plan as well as overriding Policy Advice in the form of PPS, PPG4 and PPG14.

45b. 58 Crossways, York (06/02270/FUL)

Members considered a Full Application, submitted by Mr D Dale, for the erection of a two storey pitched roof side extension.

Officers updated that the neighbour at 56 Crossways had originally registered to speak at the meeting but had had to withdraw. He had asked, if the application was approved, that the asbestos garage be professionally removed, that the party wall should be soundproofed and that the storeroom should only be used for that purpose. Officers confirmed that a number of full width side extensions had been approved in the area.

Members questioned the cycle condition included in the recommendation and Officers confirmed that, as the extension would prevent access to the rear of the property, this condition could be imposed. Members referred to extensions on properties in the area in particular at 60 Crossways which it was confirmed did not extend beyond the rear of the property and was much smaller. Officers confirmed that the proposed extension had the same physical dimensions as that which had previously been refused. The only difference had been that the previous application had also included change of use to a House of Multiple Occupation (HMO) as the property would have eight bedrooms and they were not to be let to a single household living as a family.

RESOLVED: That the application be refused.

REASON: It is considered that the proposed two storey side and rear extension, by virtue of its massing, is an overdevelopment of the site which would have a negative impact on the street scene and the living conditions of residents at 60 Crossways. Therefore the application is considered contrary to Policies GP1 and H7 of the City of York Draft Local Plan and design principles contained within PPS1.

45c. Robert Wilkinson Primary School, West End, Strensall (06/00748/GRG3)

Members considered a General Regulations application (Reg3), submitted by Robert Wilkinson Primary School, for the installation of a multi-use games area (MUGA).

Officers updated that the applicant had confirmed that drainage at the site had not yet been fully considered. They therefore requested the addition of a condition stating that the drainage scheme should be approved in writing by the Local Planning Authority.

Members also requested the addition of conditions relating to cycle parking, the layout of car and cycle parking and it's surfacing to be agreed in writing by the Local Planning Authority.

RESOLVED: That the application be approved under General Regs 3 Council Development subject to the conditions listed in the report and subject to the addition of the following:

1 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

2 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

3 Development shall not commence until details of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied that the site will be drained effectively.

4 Details of the surface materials to be used for any new car parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to development.

Reason: So that the Local Planning Authority may be satisfied that the site will be drained effectively.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the amenity of local residents.

As such the proposal complies with Policy GP1 of the City of York Draft Local Plan.

45d. St Olaves School, Queen Annes Road, York (06/01573/FUL)

Members considered a Full Application, submitted by The Bursar, St Olaves School, for the erection of a footbridge over an existing footpath on land adjacent to St Olaves's Prep School.

Officers updated with a précis of a letter received from Philip Crowe, a resident of Clifton, which raised a number of concerns regarding the proposal, a full copy of the letter was circulated to Members at the meeting together with photographs of the site. Officers also confirmed that the bridge was 3.8 metres to the top of the handrail and not 4.8 metres as stated in the report and that the word "no" should be inserted prior to the words "direct correlation" in the last sentence of par 4.11.

Representations in support of the application were received from the applicants Architect who referred to Members concerns, raised at the site meeting, that the bridge should not be accessible from the underside and that he was happy for this to be conditioned. He confirmed that wheelchair bound students would be unable to access or descend the bridge so they would continue to use the coded access gate accompanied by staff. He felt that the bridge was of an interesting contemporary design, which would preserve the Conservation Area.

Cllr Scott, as Ward Member, indicated that he supported the application, his only concern being the comments of the Clifton Planning Panel. Local opinion had generally been favourable towards the design of the bridge, which he felt would add to the Conservation Area. He confirmed that the school had assured him that they did not intend to apply for the closure of this footpath and that they proposed to close the North Parade entrance to the school which would improve the traffic situation in the area.

Officers confirmed that they had no information that the school proposed to close the Queen Anne's entrance. Members expressed their concerns that the bridge would be visually intrusive in the Conservation Area, that the lighting would have an adverse impact in the rural setting and that the proposed segregation of pupils was unacceptable. Concerns were also raised that the development and under grounding of the electricity cables would affect the mature Sycamore tree.

RESOLVED: That the application be refused.

REASON: 1. The proposed footbridge will have an adverse impact on the character of the Clifton Conservation Area. This is by virtue of its poor design and appearance and general visual presence which will enclose views along the public footpath over which the footbridge would span. This will have an adverse impact on the rural setting and generally open character of the Conservation area at this point and as a consequence would have an adverse impact on

views both into and out of the Conservation area. The loss of two trees within the grounds of St. Peter's School which further contribute to the character of the Conservation Area will also affect the setting and character of the area. The proposal is therefore considered contrary to advice and guidance in PPG15 (Planning and the Historic Environment) and to Policies HE2 (Development in Historic Locations) and HE3 (Conservation areas) of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

2. The proposed lighting on and around the footbridge will have an adverse impact on the amenity of neighbours by virtue of unacceptable levels of light pollution into and around the nearest residential properties on North Parade. The additional levels of lighting will also have an adverse impact on the generally open character and appearance of the area by virtue of increased levels of lighting in the area. This is considered contrary to Policies GP1 (Design) part f and HE2 (Development in Historic Locations) of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

45e. Hoxne Farm, Sheriff Hutton Road, Strensall (06/01054/FUL)

Members considered a Full Application, submitted by Mr J Ord, for alterations to an existing caravan park including the removal of the existing touring caravan and caravan storage areas and the development of new area to accommodate 30 holiday cabins.

Officers updated that, following the report of an active badger sett at the north east corner of the site, the Council's ecology officer had confirmed that the sett was active. Natural England had also confirmed that there was one disused entrance to the sett within the site and that there was an active entrance facing away from the site. It was reported that one of the proposed units was within 10m of the sett and that works within 30m required the developer to obtain a licence to undertake works which would also require adding as a condition. Conditions relating to fencing, screen planting and amendments to conditions 6 and 7 to state that the surface and foul water arrangements should be agreed with the Local Planning Authority would also be required.

Representations in support were received from the applicant's agent who confirmed that it was proposed to continue using the existing on site private treatment system to dispose of foul water and that more frequent emptying may be required. He stated that the existing approval included a storage area for up to 100 caravans throughout the whole year and that the application proposed 30 quality cabins which would improve the site and allow restrictions on their use. He confirmed that it would be possible to move one of the units from the north east corner of the site which was closet to the sett.

Consideration was given to comments received from Cllr Cuthbertson, Local Member, circulated at the meeting, in which he requested deferral of the application to allow Members to visit the site. He stated that he had a number of concerns relating to surface and foul water disposal, increased traffic, boundary treatments and screening. A map showing the site in relation to Stensall was also circulated at the meeting and it was confirmed that the site was within open countryside but not within the Green Belt.

Representations were received in objection from a neighbour who also requested deferment of the application, as there were a number of points that required clarification. He felt that the proposal was a significant alteration to the existing use of the site and for which the existing foul drainage system could not adequately deal with. He also expressed concerns regarding security, trespass, light pollution and that the cabins could be occupied throughout the whole year.

Members questioned the anticipated use of the units on completion and whether the removal of caravan storage and the sites use by touring caravans would be conditioned. Members also discussed drainage details, the possible provision of an amenity area, rain harvesting and concerns that the site could become a small village.

RESOLVED: That the application be deferred to the January meeting pending a site visit and to clarify the issues raised regarding the siting of the units adjacent to the badger sett, drainage proposals and screening with the applicants.

REASON: To enable Members to view the site and its surroundings and to obtain additional information prior to making a decision on the application.

45f. 147 Heslington Lane, York (06/02347/FUL)

Members considered a Full Application, submitted by Mr T Bayley, for a two storey side extension and repositioned bike shed.

In answer to a request, the Chair confirmed that he would allow two speakers to make representations on different points in relation to the application. Officers updated that two additional letters of objection had been received reiterating concerns to the proposal. If the application was approved, Officers requested the amend of Condition 4 to ask that materials were to be agreed in writing by the Local Planning Authority and Condition 5 amending to relate to surfacing with a permeable material rather than gravel.

Representations were then received in objection from a neighbour on behalf of residents of Wilsthorpe Grove and Heslington Lane. He stated that the development would produce an 8 bedroom student house, which it was felt would have a detrimental affect on neighbour's amenities from noise, an increase in traffic, parking and drainage. He confirmed that they would have no objection if the dwelling was to be used a family home.

Representations in objection were also received from the immediate neighbour who confirmed that the property was at present occupied by students. She stated she suffered from tinnitus and that an increase in occupancy of the dwelling would result in increased noise levels. She requested Members to refuse the application as it introduced a business venture into a small community which would affect the quality of life of residents.

Cllr Hill, Local Member, confirmed that the proposal was in Fishergate Ward. He questioned the condition relating to cycle parking and the policy relating to the change of use from a dwelling house to a house of multiple occupation (HMO). He stated that the area deserved protection as the development would have an adverse impact on the residential amenity of the area.

Officers clarified that an HMO application was required if there would be more than 6 unrelated people who lived together as a single household and if the proposal would result in a material change of use of the site. It was confirmed that enforcement action could be taken if it could be proven that the living conditions of neighbours were harmed as a result of an increase in occupancy but that the loss of family housing was insufficient reason to refuse an application.

Members expressed concerns that the area was losing family housing, that the character of the area was being altered, the proposal was overdevelopment and questioned whether details were kept of properties that changed to student accommodation.

RESOLVED: That the application be refused.

REASON:

1. Due to its scale and its positioning, the proposed two storey extension would create a detrimental overbearing impact when viewed from the front public highway (Heslington Lane), contrary to Policy H7 of the City of York Draft Local Plan 2005.
2. It is considered that the proposed extension, which would have the potential of being used as a house for multiple occupation, would harm the living conditions which neighbours could reasonably expect to enjoy because of the potential noise and disturbance from the high level of occupancy and activity. Therefore the proposal is contrary to Policies H7 and H8 of the City of York Draft Local Plan and Planning Policy Statement 1.

46. CHAIRS REMARKS

Arising from discussion on the previous application, Members expressed their concerns regarding the number of applications for change of use to houses of multiple occupation (HMO). They stated that there appeared to be insufficient protection for residents through the planning system when

applications were made for extensions to property, which resulted in a change from family housing to student properties.

RESOLVED: That the Chair and Vice Chair raise with the Local Development Framework Working Group the Sub-Committee's concerns that there was insufficient protection for residents, through the planning system, to prevent properties changing from family to student accommodation.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 5.50 pm.